

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANTOINETTE M. DELK,

Plaintiff,

v.

FREEDMAN ANSELMO LINDBERG, LLC,

Defendant.

)
) Lead Case No. 14-CV-6694
)

) Case No. 1:14-cv-07091
)

) 1:14-cv-07092
)

) Judge: Harry D. Leinenweber
)

DEFENDANT'S MOTION TO COMPEL PLAINTIFF'S DEPOSITION

NOW COMES the Defendant, FREEDMAN ANSELMO LINDBERG, LLC, ("FAL") by its attorneys, Justin M. Penn, Palak N. Shah, and Jonathon D. Drews of Hinshaw & Culbertson LLP, and for its Motion to Compel Plaintiff's Deposition, states as follows:

1. Plaintiff Antoinette M. Delk has filed two separate FDCPA suits against FAL, these cases are: 14-cv-7091 and 14-cv-7092.
2. These two suits were consolidated before Judge Leinenweber along with a slew of other cases dealing with the exact same issue.
3. Based on the consolidated discovery deadlines, fact discovery is set to close on June 30, 2015 for both of Delk's lawsuits against FAL.
4. On or about May 26, 2015, Defendant's counsel reached out to Plaintiff's to find dates when Plaintiff would be available to sit for her deposition, as a courtesy to Plaintiff who has several health problems.

5. Between May 26 and today, counsel for Defendant sent multiple emails and had numerous phone conversations with Plaintiff's counsel requesting any possible date when Plaintiff could sit for her deposition.¹

6. To date, Plaintiff's counsel has not responded with a single date when Plaintiff would be available to sit for her deposition.

7. Defendant's issued a Notice for Plaintiff's deposition which was set to be held on June 30, 2015.

8. On June 23, 2015, Plaintiff's counsel informed counsel for Defendant that they had not been in contact with Plaintiff for some time and did not believe that she would not be able to sit for her deposition prior to the June 30, 2015 fact discovery deadline. Plaintiff's counsel was under the impression that Plaintiff was currently residing in Los Angeles, California recovering from unknown medical issues. (A copy of an email confirming the conversation is attached as Exhibit A).

9. On June 24, 2015, Plaintiff's counsel called counsel for Defendant and stated that Plaintiff was attempting to obtain a doctor's note exempting her from sitting for a deposition due to the stress it may cause, which will allegedly exacerbate her medical conditions.

10. Plaintiff has not provided any information regarding the severity of her medical condition or the anticipated recovery date including when, if ever, she will be able to sit for her deposition in this matter.

11. Defendant is entitled to take Plaintiff's deposition in these two cases and requests Plaintiff's deposition prior to completing its motion for summary judgment for these cases.

12. If Plaintiff is unable to sit for her deposition she should not be entitled to prosecute these claims against FAL.

¹ Copies of these emails will be made available upon the Court's request

WHEREFORE, Defendant, FREEDMAN ANSELMO LINDBERG, LLC, respectfully request this court compel Plaintiff to appear for her deposition or in the alternative dismiss both of her lawsuits against FAL.

Respectfully submitted,

HINSHAW & CULBERTSON LLP

/s/ Jonathon D. Drews

Jonathon D. Drews
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CERTIFICATE OF SERVICE

I hereby certify that on **June 24, 2015** I electronically filed the forgoing **Defendant's Motion to Compel Plaintiff's Deposition** with the Clerk of the U.S. District Court, using the CM/ECF system reflecting service to be served upon all parties of record.

HINSHAW & CULBERTSON LLP

s/ Jonathon D. Drews

Jonathon D. Drews